



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS

APPEAL BRIEF FOR THE APPLICANTS

Yoshiharu KURODA et al.

Serial No. 08/942,415

Field: October 16, 1997

Group Art Unit: 2626

Examiner: M. Wallerson

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Date: February 10, 2004
Attorney Docket No.: **971154**

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re the Application of: **Yoshiharu KURODA, et al.**

Serial Number: **08/942,415**

Group Art Unit: **2626**

Filed: **October 16, 1997**

Examiner: **M. Wallerson**

For: **IMAGE RECORDING DEVICE**

P.T.O. Confirmation No.: **8097**

BRIEF ON APPEAL

Sir:

Date: February 10, 2004

Following the filing of the Notice of Appeal on January 27, 2004, the following is the
Applicants' Appeal Brief.

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I. REAL PARTY IN INTEREST

The real party in interest is Murata Kikai Kabushiki Kaisha, 3-banchi, Kisshoin Minami
Ochiai-cho, Minami-ku, Kyoto-shi, Kyoto, Japan by an assignment recorded in the U.S. Patent and
Trademark Office on **October 6, 1997**, at Reel **8839**, Frame **0601**.

II. RELATED APPEALS AND INTERFERENCES

There are no other related appeals of interferences.

III. STATUS OF CLAIMS

This is an appeal from the action of the Examiner, dated October 28, 2003, finally rejecting claims 1-13. Claims 1-13 are appealed and are set forth in the attached APPENDIX.

The claims and specification stand as amended by the amendments dated October 29, 1999, April 5, 2000, December 1, 2000 and April 28, 2003.

IV. STATUS OF AMENDMENTS

No amendments have been filed after the final rejection of October 28, 2003.

V. SUMMARY OF THE INVENTION

One Embodiment of the Invention

The invention relates to an image recording device equipped with both facsimile functions and copier functions. The image recording device may be used to scan an image on a document transported from a document sheet supply tray and discharged onto a document sheet outlet tray. The image recording device may also be used to record an image on a recording sheet transported from a cassette unit and discharged onto a recorded paper discharge tray.

One detailed example of one embodiment of the invention is illustrated in Figs. 1 and 2 and described on pages 5-12 of the specification of this application. Referring to Fig. 1, an operation panel 2 is provided on the front surface of a device main body 1 wherein the user performs copying and image data transmission operations by operating keys on the operational panel 2. A recorded

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paper discharge tray 3, document sheet supply tray 4, document outlet tray 5 and multi-purpose tray 6 are positioned on the device main body 1. As best shown in Fig. 2, a removable cassette unit 7 is mounted on the base 1c of device main body 1.

As shown in Fig. 1, recorded paper discharge tray 3, document sheet supply tray 4 and document outlet tray 5 are substantially confined to the width of the device main body 1. This arrangement where the trays 3, 4 and 5 do not project from the lateral sides of the device main body 1 reduces the space required for the image recording device.

As further shown in Fig. 1, the multi-purpose tray 6 is formed on the upper surface 1d of the base 1c of the main body 1 and below the document sheet outlet tray 5. Thus, the multi-purpose tray 6 does not project from the lateral sides of the device, either. Consequently, there is no necessity to secure a space for the multi-purpose tray 6 on the lateral side of the device. This also contributes to space saving.

In addition, there is no need to open/close or attach/remove the multi-purpose tray 6 by hand since the multi-purpose tray 6 is a built-in tray. Together with the horizontal positioning of the multi-purpose tray 6, a relatively large paper stacking space is maintained in the multi-purpose tray.

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Furthermore, the built-in multi-purpose tray 6 is more rigid than a conventional flap-type tray. Accordingly, a larger amount of recording sheets can be placed on the multi-purpose tray 6 than a conventional flap-type tray. The multi-purpose tray 6 is also open to the user standing in front of the operation panel 2 so that an operation for supplying the recording sheets to the multi-purpose tray 6 is easy. The space for a user's hand when inserting the recording sheets into the tray is maintained so that operability is improved.

VI. ISSUES

The issues presented for review before the Board in this Appeal are: (a) whether claims 1, 2, 3, 6, 7, 8, 11 and 12 are properly rejected under 35 U.S.C. §103(a) as being unpatentable over Kojima et al. (U.S. Patent No. 5,412,490) in view of Ono (U.S. Patent No. 5,796,496) and Kitazawa (U.S. Patent No. 5,078,380); and (b) whether claims 4, 5, 9, 10 and 13 are properly rejected under 35 U.S.C. §103(a) as being unpatentable over Kojima et al., Ono and Kitazawa in view of Sakaue (European Patent Publication No. 0673 147 A2).

VII. GROUPING OF THE CLAIMS

Claims 1-13, considered to stand or fall together, are directed to an image recording device.

VIII. ARGUMENTS

Claims 1-13

Claims 1, 2, 3, 6, 7, 8, 11 and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kojima in view of Ono and Kitazawa. Also, claims 4, 5, 9 10 and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kojima in view of Ono, Kitazawa and Sakaue.

Claims 1-13 are directed to an image recording apparatus including a main body having a recorded paper discharge tray, a document sheet supply tray, a document sheet outlet tray, a base having an upper surface, and a multi-purpose tray provided on the upper surfaces, with the multi-purpose tray being confined within the width of the image recording device.

More specifically, independent claims 1 and 6 call for *a main body including: ...*

a base having an upper surface; and a multi-purpose tray formed on said upper surface of said base and below the document sheet outlet tray for holding recording sheets, wherein a user loads said recording sheets directly onto said multi-purpose tray ... the multi-purpose tray being confined within the width of the image recording device.

For example, as shown in Fig. 1 of the present application, multipurpose tray 6 is provided on the upper surface 1d of the base 1c of the main body 1 and below the document sheet outlet tray 5. In this arrangement, the multipurpose tray 6 does not project from the width or lateral sides of the main body 1, thereby saving space. Further, since the multipurpose tray 6 is a built-in tray there

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is no need to attach/remove it or be concerned with placing a large amount of sheets on it since it is more rigid than a conventional flap-type tray.

It is respectfully submitted that the Examiner's combination rejection of Kojima, Ono and Kitazawa fails to disclose or fairly suggest, singly or in combination, *a main body including: ... a base having an upper surface; and a multi-purpose tray formed on said upper surface of said base and below the document sheet outlet tray for holding recording sheets, wherein a user loads said recording sheets directly onto said multi-purpose tray ... the multi-purpose tray being confined within the width of the image recording device*, as set forth in each of the independent claims 1 and 6.

With regard to the primary reference of Kojima and the secondary reference of Ono, the Examiner admits that these references each fail to disclose *a main body including: ... a base having and upper surface; and a multi-purpose tray formed on said upper surface of said base*. That is, according to the Examiner "Kojima as modified also differs from claim 1 and 6 in that he does not disclose a base having an upper surface and a multipurpose tray provided on the upper surface of the base."¹

¹ Please see, the bridging paragraph between pages 4 and 5 of the Office Action dated October 28, 2003.

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The Examiner relies on the additional secondary reference of **Kitazawa** for teaching the above-discussed drawbacks and deficiencies of the combination of **Kojima** and **Ono**.

More specifically, the Examiner takes the position that:

Kitazawa disclose a copier (figure 1) comprising a base having an upper surface and multipurpose tray (25) provided on the upper surface of the base (figure 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kojima as modified wherein the copier has a base having an upper surface and a multipurpose tray is provided on the upper surface of the base. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kojima as modified by the teaching of Kitazawa in order to allow a user to easily feed papers manually into the tray.²

However, it is respectfully submitted that the Examiner is mischaracterizing the teaching of **Kitazawa**.

That is, according to **Kitazawa**, "A manual feeding tray 25 is provided at the right side of body 21 for manually receiving and feeding paper into the image-forming section."³

In other words, **Kitazawa** fails to disclose a multi-purpose tray formed on an upper surface of the base, since **Kitazawa** explicitly discloses that the manual feeding tray 25 is provided at the right side of the body 21 and not on an upper surface of body 21.

² Please see, line 16, page 4 - line 3, page 5 of the Office Action dated January 3, 2001.

³ Please see, lines 60-63, column 2 of **Kitazawa**.

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Moreover, it is respectfully submitted that at best Figs. 1 - 3 of Kitazawa are inconclusive as to whether tray 25 is provided on an upper surface of body 21, and in light of such inconclusiveness Figs. 1 - 3 must be interpreted in the light of the specification, wherein such specification clearly states that the feeding tray 25 is provided at the right side of the body 21 and not on an upper surface of body 21.

In addition, each of the references fails to teach or fairly suggest the feature of claims 1 and 6 regarding *the multi-purpose tray being confined within the width of the image recording device*.

For example, as illustrated in Fig. 1 of the present application, the multi-purpose tray 6 is confined within the width of the image recording device, the width direction of the device main body 1 coincides with the transport direction of the document and recording sheets as indicated by the unshaded arrows in Fig. 1. See lines 20 – 23, page 5 of the present specification

However, none of the applied references of Kojima, Ono and Kitazawa disclose this feature of claims 1 and 6 concerning *the multi-purpose tray being confined within the width of the image recording device*. More specifically, clearly Kojima's paper cassette (13) of Figs. 1, 2, 3 and 6, Ono's multi-purpose tray 94 of Fig. 1, and Kitazawa's manual feeding tray 25 of Figs. 1 – 3, protrude from the side of their respective image forming device. In other words, Kojima's paper cassette (13), Ono's multi-purpose tray 94 and Kitazawa's manual feeding tray 25 are not

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confined within the width of the image recording device, as required by each of the independent claims 1 and 6.

Thus, even if, arguendo, the teachings of Kojima, Ono and Kitazawa be combined in the manner suggested by the Examiner, such combined teachings would still fall far short in fully meeting the applicants' claimed invention. As such, a person of ordinary skill in the art would not have found the applicants' claimed invention obvious under 35 U.S.C. § 103(a) based on Kojima, Ono or Kitazawa, singly or in combination.

Thus, it is respectfully asserted that the prior art fails to teach or suggest recitations of claims 1 – 13 and requested that the Examiner allow these claims, along with the entire application, to issue. Accordingly, withdrawal of the rejections of claim 1 – 13, under 35 U.S.C. §103(a) is respectfully solicited.

As set forth above, it is respectfully asserted that the prior art fails to teach or suggest the recitations of the claims. The Applicant respectfully requests the Board to reverse the Examiner's rejections and allow this application to issue.

If for any reason, it is felt that this application is not in condition for allowance, the Examiner is requested to contact applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

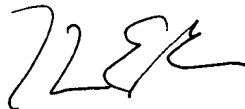
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In the event this paper is not timely filed, appellant hereby petitions for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 50-2866, along with any other additional fees which may be required with respect to this paper.

Respectfully submitted,

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Enclosures: Appendix

X. APPENDIX

CLAIMS ON APPEAL

Claim 1. An image recording device having a top, a bottom and a width, comprising:

✓ a main body including:

✓ a recorded paper discharge tray provided at the top of the image recording device;

✓ a document sheet supply tray provided below the recorded paper discharge tray for holding a document sheet;

✓ a document sheet outlet tray provided below the document sheet supply tray for receiving the document sheet;

a base having an upper surface; and

a multi-purpose tray formed on said upper surface of said base and below the document sheet outlet tray for holding recording sheets, wherein a user loads said recording sheets directly onto said multi-purpose tray;

a recording sheet supply part provided below said main body and independent of said multi-purpose tray for holding a plurality of stacked recording sheets and supplying a recording sheet one page at a time, said recording sheet supply part includes a paper cassette which is attachable to and detachable from said image recording device, said paper cassette capable of being manually loaded;

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∫ an image scanner that transports the document sheet from the document sheet supply tray, scans an image on the document sheet and discharges the document sheet onto the document sheet outlet tray; and

∫ a recording part that transports the recording sheet from the recording sheet supply part or the multi-purpose tray, records an image on the recording sheet and discharges the recording sheet onto the recorded paper discharge tray, with the recorded paper discharge tray, the document sheet supply tray, the documents sheet outlet tray and the multi-purpose tray being confined within the width of the image recording device.

Claim 2. The image recording device as in claim 1, wherein the multi-purpose tray is arranged horizontally between the document sheet outlet tray and recording sheet supply part such that a considerable space is maintained between the multi-purpose tray and document sheet outlet tray.

Claim 3. The image recording device as in claim 1 or 2, wherein the recording sheet supply part comprises a cassette unit, the cassette unit includes a paper cassette and its housing, the paper cassette stores the recording sheets in a stacked state and is freely inserted in a removed from the housing, and the cassette unit is freely attached to and removed from the image recording device.

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Claim 4. The image recording device as in claim 1 or 2, wherein operations of the image recording device and paper cassette insertion/removal actions are performed by a user facing at right angle to a document transport direction and a recording sheet transport direction.

Claim 5. The image recording device as in claim 3, wherein operations of the image recording device and paper cassette insertion/removal actions are performed by a user facing at right angle to a document transport direction and a recording sheet transport direction.

Claim 6. An image recording device having a top, a bottom and a width, comprising:
a main body including:
a recorded paper discharge tray provided at the top of the image recording device;
a document sheet supply tray provided below the recorded paper discharge for holding a document sheet;
a document sheet outlet tray provided below the document sheet supply tray for receiving the document sheet;
a base having an upper surface; and
a multi-purpose tray formed on said upper surface of said base and below the document sheet outlet tray for holding at least one recording sheet and supplying a recording sheet one page at a time;

an image scanner that transports the document sheet from the document sheet supply tray, scans an image on the document sheet and discharges the document sheet onto the document sheet outlet tray; and

a recording part that transports the recording sheet from the multi-purpose tray, recording an image on the recording sheet and discharges the recording paper discharge tray, the document sheet supply tray, the document sheet outlet tray and the multi-purpose tray being confined within the width of the image recording device.

Claim 7. The image recording device as in claim 6, wherein the multi-purpose tray is arranged horizontally between the document sheet outlet tray and recording sheet supply part such that a considerable space is maintained between the multi-purpose tray and document sheet outlet tray.

Claim 8. The image recording device as in claim 6 or 7, wherein the recording sheet supply part comprises a cassette unit, the cassette unit includes a paper cassette and its housing, the paper cassette stores the recording sheets in a stacked state and is freely inserted in and removed from the housing, and the cassette unit is freely attached to and removed from the image recording device.

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Claim 9. The image recording device as in claim 6 or 7, wherein operations of the image recording device and paper cassette insertion/removal actions are performed by a user facing at right angle to a document transport direction and a recording sheet transport direction.

Claim 10. The image recording device as in claim 8, wherein operations of the image recording device and paper cassette insertion/removal actions are performed by a user facing at right angle to a document transport direction and a recording sheet transport direction.

Claim 11. The image recording device as in claim 6 further including a recording supply part provided at the bottom of the image recording device and below the multi-purpose tray for holding a plurality of stacked recording sheets and supplying a recording sheet one page at a time.

Claim 12. The image recording device as in claim 6, wherein the multi-purpose tray defines the bottom of the image recording device.

Claim 13. The image recording device as in claim 6, wherein the user can insert the recording sheet into the multi-purpose tray from a direction perpendicular to the width of the device.